

1. TieTek, through its controlling shareholder Elroy Fimrite (“Fimrite”) has pursued a business solution for the underlying business which in turn would allow Defendants to pay Plaintiffs. Fimrite has traveled extensively to seek joint venture partners around the world and is close to agreements with partners in the Middle East and India, where rail is prominent and expanding. Seeking a payment resolution has taken Fimrite’s energies and efforts away temporarily from responding to Plaintiffs’ discovery requests. Additionally, the building in Arizona where TieTek conducts administrative business was foreclosed upon, resulting in TieTek needing to immediately move. The server for TieTek now resides in Fimrite’s garage. This has considerably

slowed Defendants' ability to respond to Plaintiffs with responsive documents, most of which are in electronic form.

2. Through the office of the Niehaus & Associates, Defendants reached out to Plaintiffs on November 5, 2024, to set up a data room or drop box so to allow Mr. Fimrite to directly upload responsive documents to the Plaintiffs. Additionally, Mr. Fimrite has agreed to sit for a deposition when deemed appropriate by Plaintiffs, likely after Plaintiffs have had an opportunity to review the responsive documents.

3. TieTek seeks to mitigate any inconvenience to Plaintiffs in seeking post judgement discovery. Defendants' efforts have been to pay the Plaintiffs through a business solution. As a result, there has been a delay in providing a response, which response shall be accelerated due to the form of response being electronic.

4. TieTek and Fimrite seek the understanding of the Court to forego any sanctions unless TieTek incurs further delays, or Fimrite does not make himself available for deposition. Fimrite will continue to seek a monetary resolution of this matter in addition to responding to discovery.

Respectfully Submitted,

ANDREWS MYERS, P.C.

By: /s/ T. Josh Judd

T. Josh Judd

Texas State Bar No. 24036866

Federal Bar No. 33672

1885 Saint James Place, 15th Floor

Houston, Texas 77056

713-850-4200 – Telephone

713-850-4211 – Facsimile

LOCAL COUNSEL FOR DEFENDANTS¹

Charle D. Niehaus

Ohio State Bar No. 0037383

Niehaus & Associates, Ltd.

2927 North McCord Road, Suite 300

Toledo, Ohio 43615

Pro Hac Vice Pending

ATTORNEY FOR DEFENDANTS

¹ The undersigned has agreed to continue to serve as local counsel for the Defendants pending admission of Mr. Niehaus pro hac vice, which is pending at Dkt. 11.

CERTIFICATE OF SERVICE

I hereby certify that on November 6, 2024, a true and correct copy of the foregoing was served via the Court's ECF notification system to all parties requesting notice, including, but not limited to, the parties listed below at the email addresses listed.

Hugh Massey Ray, III
hugh.ray@pillsburylaw.com
bankruptcee@yahoo.com
docket@pillsburylaw.com
nancy.jones@pillsburylaw.com

Reed Charles Trechter
reed.trechter@pillsburylaw.com

William Edward McMichael
william.mcmichael@pillsburylaw.com
kim.glaize@pillsburylaw.com

Charles D. Niehaus
Niehaus & Associates, Ltd.
2927 North McCord Road, Suite 300
Toledo, Ohio 43615
niehaus@nkh.law

/s/ T. Josh Judd
T. JOSH JUDD